

EXECUTIVE AND OTHER
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3253. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "The Tobacco Loan Program," received on June 26, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3254. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Spearment Oil Produced in the Far West," received on June 26, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3255. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Sheep Promotion, Research, and Information Program," received on June 27, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3256. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report for fiscal year 1995; referred jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC-3257. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-3258. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report entitled "Attacking Financial Institution Fraud"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3259. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule relative to bid acceptance, (RIN1010-AC18) received on June 27, 1996; to the Committee on Energy and Natural Resources.

EC-3260. A communication from the Director of the State and Site Identification Center, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites," (FRL-5520-2) received on June 20, 1996; to the Committee on Environment and Public Works.

EC-3261. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Regulation of Fuels and Fuel Additives," (RIN2060-AG06) received on June 27, 1996; to the Committee on Environment and Public Works.

EC-3262. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Requirements for Preparation, Adoption, and Submittal of Implementation Plans," (FRL5530-4, 5529-3, 5527-4, 5531-6) received on June 28, 1996; to the Committee on Environment and Public Works.

EC-3263. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of nine rules entitled "General Procedures to OPT out of the Reformulated Gasoline Requirements," (FRL5528-6, 5363-2, 5358-8, 5372-8, 5369-7, 5358-7, 5382-1, 5381-5, 5381-2) received on June 27, 1996; to the Committee on Environment and Public Works.

EC-3264. A communication from the Acting Administrator, General Services Administration, transmitting, a report relative to a lease prospectus for the Federal Bureau of Investigation; to the Committee on Environment and Public Works.

EC-3265. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions Phase III-Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners," (RIN2050-AD38) received on July 2, 1996; to the Committee on Environment and Public Works.

EC-3266. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of State Programs and Delegation of Federal Authorities," (FRL5531-3) received June 2, 1996; to the Committee on Environment and Public Works.

EC-3267. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report of an informational copy of a lease prospectus; to the Committee on Environment and Public Works.

EC-3268. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to Uranium purchases for calendar year 1995; to the Committee on Energy and Natural Resources.

EC-3269. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-646. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Appropriations.

"HOUSE CONCURRENT RESOLUTION No. 31

"Whereas, approximately six hundred ninety-seven thousand United States service members were deployed to the Persian Gulf in the 1990-1991 Operations Desert Storm/Desert Shield conflict; and

"Whereas, while the vast majority of these troops returned home healthy, a significant number of individuals who served in this conflict have reported persistent symptoms that they believe are related to their experience in the war, collectively known as Persian Gulf War syndrome; and

"Whereas, most common among these symptoms are fatigue, joint pain, headache, sleep disturbances, loss of memory, and rash; and

"Whereas, much more serious conditions have also been linked to Gulf War service, such as upper respiratory disease, birth defects in infants born to Gulf War veterans, mild cases of acute diarrhea, and cutaneous and viscerotropic leishmaniasis, causing death in some cases; and

"Whereas, recently, Dr. Howard B. Arnovitz, a research microbiologist from California, testified before the United States House of Representatives Subcommittee on Human Resources and Intergovernmental Relations that there is an underlying problem with the immune response of Persian Gulf War military to the polio vaccine, which suggests that some factor perturbing the antibody response may be inducing this unexpected outcome; and

"Whereas, there is evidence that the exposure of veterans to chemical agents may explain many of the previously inexplicable symptoms that they are plagued with today, for, according to James J. Tuite, III, former director of the U.S. Senate Banking Committee investigating into the arming of Iraq and the health effects of the Persian Gulf War, the Persian Gulf War was the most toxic battlefield in the history of modern warfare, and studies since World War I have shown that individuals exposed to chemical agents and other related poisons have had symptoms similar to those that plague the Gulf War veterans; and

"Whereas, Mr. Tuite further testified that many of the chemical poisons that were detected and confirmed by coalition chemical specialists are known to affect the central nervous and immune systems; and

"Whereas, to provide protection against the lethal effects of chemical warfare nerve agents, troops deployed to the Persian Gulf were issued twenty-one thirty milligram tablets of pyridostigmine bromide (PB), a drug which has been suggested as a cause of this chronic illness in Gulf Veterans; and

"Whereas, a most recent study by Duke University shows that a combination of three chemicals, including PB, used to protect soldiers from insect-borne diseases and nerve-gas poisoning may have caused the symptoms reported by an estimated thirty thousand Gulf War veterans based on a study using chickens, who suffered neurological dysfunction when issued the mixture of the insecticides and the anti-nerve-gas agent; and

"Whereas, the United States Government has responded to the concerns of the failing health of these veterans by creating several projects to help to treat the afflicted veterans and to research the causes of their disease; and

"Whereas, the Department of Defense, headed by Secretary William Perry and Deputy Secretary John White, and in support of President Clinton's commitment to our Persian Gulf troops, has launched an unprecedented effort in researching and treating Gulf War veterans' illnesses; and

"Whereas, such projects include the Comprehensive Clinical Evaluation Program (CCEP), which was initiated in June, 1994, by the Department of Defense to provide in-depth medical examinations to nearly twenty thousand service and family members who are suffering from conditions induced by the Gulf War; and

"Whereas, a Specialized Care Center (SCC) was opened at Walter Reed Army Medical Center in March, 1995, for the intensive treatment of symptomatic Persian Gulf War veterans, and another of these centers is scheduled to open at Wilford Hall Medical Center in San Antonio, Texas, in mid-May, 1996; and

"Whereas, ongoing and planned epidemiologic studies by the Department of Defense, Veterans' Affairs, and Health and Human Services further search for answers to these inexplicable symptoms of disease suffered by Gulf War veterans; and

"Whereas, the Clinton administration has also created an advisory committee on Gulf War veterans' illnesses to ensure an independent, open, and comprehensive examination of health concerns related to Gulf War

service, which consists of twelve members made up of veterans, scientists, health care professionals, and policy experts; and

"Whereas, the committee delivered in interim report in February, 1996, which offered directives to the Department of Defense regarding medical and clinical issues, research, and the hazards of future use of chemical and biological weapons, and will deliver their final report to the president no later than December, 1996; and

"Whereas, as many questions remain unanswered regarding Gulf War Syndrome, it is vital that our government continue to conduct the research and treatment that it has initiated and further increase its allocations for such research and treatment in order to provide relief for the many veterans afflicted by Gulf War Syndrome; and

"Whereas, these troops bravely fought for our country in the Gulf War, putting their lives on the line in the name of the United States of America; and

"Whereas, the courageous service demonstrated by all troops deployed in the Gulf War conflict merits the United States Government's continued efforts in solving this medical dilemma; and

"Whereas, it is vital to the health of our nation that the efforts to answer the questions involved with Gulf War Syndrome be continued by our government: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize congress to continue its efforts to fund and provide for the treatment of Persian Gulf War Syndrome and for continued research about the causes, effects, and treatment of the syndrome, and does further request that congress allocate additional resources to provide sufficient funding to make such research and treatment a priority so that this disease can be better understood and ultimately cured; and be it further

Resolved, That a suitable copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the congressional delegation from Louisiana.

POM-647. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

"SENATE JOINT RESOLUTION 37

"Whereas Alaska had, by regulation, imposed a primary manufacturing requirement applicable to timber harvested from state-owned land that is destined for export from the state; and

"Whereas that regulation was permissive, allowing the director of the division of land to require that primary manufacture of forest products be accomplished within the state; and

"Whereas, considering the Commerce Clause of the United States Constitution, in *Southcentral Timber Development, Inc. v. Wunnicke*, 467 U.S. 82, 91 L.Ed.2d 71, 104 S.Ct. 2237 (1984), the United States Supreme Court determined that the state's regulation could not be given effect; while the court found evidence of a clearly defined federal policy imposing primary manufacture requirements as to timber taken from federal land in Alaska, it determined that the existing Congressional sanction reached only to activities on federal land and concluded that the state's assertion of Congressional authorization by silence to allow a state to regulate similar activities on nonfederal land could not be inferred; and

"Whereas since the Wunnicke decision, Congress has, in the Forest Resources Conservation and Shortage Relief Act of 1990, ex-

tended an existing ban on unprocessed log exports from federal land in the 11 contiguous Western states to cover timber harvested from nonfederal sources in those states; the extension of the ban on unprocessed log exports in those states collectively does not affect Alaska; and

"Whereas the principal purposes, stated or assumed, in the 1990 Congressional Act for extending the ban on unprocessed log exports in the contiguous Western states—the efficient use and effective conservation of forests and forest resources, the avoidance of a shortfall in unprocessed timber in the marketplace, and concern for development of a rational log export policy as a national matter—are equally valid with respect to the significant timber resources held by this state, its political subdivisions, and its public university; and

"Whereas the state cannot act to regulate, restrict, or prohibit the export of unprocessed logs harvested from land of the state, its political subdivisions, and the University of Alaska without a legislative expression demonstrating Congressional intent that is unmistakably clear; Be it

Resolved, That the legislature of the State of Alaska urges the United States Congress to give an affirmative expression of approval to a policy authorizing the state to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska.

POM-648. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Commerce, Science, and Transportation.

"HOUSE CONCURRENT RESOLUTION No. 11

"Whereas, the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico three marine leagues from the coast; and

"Whereas, the coastline of the state of Louisiana is accepted and approved as designated in accordance with applicable Act of Congress; and

"Whereas, the United States Congress, by its Tidelands Act approved May 22, 1953, recognized and confirmed state ownership of the lands beneath navigable waters within the state's boundaries, and the natural resources, including oil, gas, and all other minerals, and fish, shrimp, oysters, and other marine animals and plant life therein; and

"Whereas, said Tidelands Act adopted state boundaries in the Gulf of Mexico as they existed at the time such state became a member of the Union not more than three marine leagues into the Gulf of Mexico from the coastline; and

"Whereas, which "coastline" is defined in the Act as that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters; and

"Whereas, the state of Louisiana owns these submerged lands and natural resources within such land and waters in trust for its people, and the economic welfare of the state and public services depend upon the state revenues to be derived from these valuable resources: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend the coastal boundary in Louisiana from three miles to ten miles; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-649. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Finance.

"HOUSE CONCURRENT RESOLUTION No. 109

"Whereas, several years ago the Internal Revenue Service issued a private letter ruling that provided that the total expense reimbursement for school bus drivers be included in wages; and

"Whereas, in response to this ruling local school boards have had to include within wages on the school bus drivers W-2 forms the total expense reimbursement paid to school bus drivers; and

"Whereas, including expense reimbursement in wages has caused hardships on the school bus drivers in many instances forcing them into higher tax brackets: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to assure and provide that expense reimbursements no longer be considered as wages for purposes of the federal income tax; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation."

POM-650. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Foreign Relations.

"HOUSE CONCURRENT RESOLUTION No. 52

"Whereas, 'female genital mutilation' is a term used for a variety of genital operations performed on young female children and women in accordance with traditional beliefs and customs; and

"Whereas, it has been estimated that approximately one hundred fourteen million women and girls have been mutilated throughout the world and that in the United States female genital mutilation is the process of being made illegal; and

"Whereas, circumcision is the mildest form of female genital mutilation with excision and infibulation being the more severe forms of the procedure; and

"Whereas, the Foundation for Women's Health, Research and Development has for the past ten years sought to actively campaign for the eradication of female genital mutilation; and

"Whereas, female genital mutilation is not a cultural issue, but is an issue of the abuse of children and women's basic human rights to good health; and

"Whereas, female genital mutilation may cause numerous physical complications, including hemorrhage and severe pain, which can ultimately cause shock and even death; and

"Whereas, female genital mutilation may also cause long-term complications resulting from scarring and interference with the drainage of urine and menstrual blood, such as chronic pelvic infection, which may cause pelvic back pain, dysmenorrhea, infertility, chronic urinary tract infections, urinary stones, or kidney damage; and

"Whereas, Ms. Fauziya Kasinga, an eighteen-year-old young woman, fled her homeland of Togo to escape mutilation and has been in a York County, New York, jail for more than a year waiting for immigration officials and judges to decide whether to grant her plea for refuge; and

"Whereas, many young women from around the world will continue to flee their countries and face imprisonment before succumbing to the painful and inhumane custom of female genital mutilation; and

"Whereas, the President and Congress may utilize the influence of the United States in

the relationships of this nation with foreign countries to spare many nonconsenting women and young girls the inhumane and dangerous procedures associated with the custom or ritual of female genital mutilation or imprisonment for refusing such mutilation: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Honorable Bill Clinton, President of the United States of America, and the Congress of the United States of America to utilize the influence of the United States in international relations to end the custom or ritual of female genital mutilation in those countries where such procedures are presently practiced upon individuals who choose not to undergo such procedures and to grant political asylum to individuals who flee their homelands to escape the custom or ritual; and be it further

Resolved, That a copy of this Resolution be transmitted to the Honorable Bill Clinton, President of the United States of America, to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America, and to each member of the Louisiana congressional delegation.

POM-651. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 83

"Whereas, the United States Congress, by its authority to regulate commerce among the states, has repeatedly preempted state laws, including those relating to health, welfare, transportation, communications, banking, the environment, and civil justice, reducing the ability of state legislatures to be responsible to their constituents; and

"Whereas, more than half of all federal laws preempting states have been enacted by congress since 1969, intensifying an erosion of state power that leaves an essential part of our constitutional structure—federalism—standing precariously; and

"Whereas, the United States Constitution anticipates that our American federalism will allow differences among state laws, expecting people to seek change through their own legislatures without federal legislators representing other states preempting states to impose national laws; and

"Whereas, constitutional tension, necessary to protect liberty, arises from the fact that federal law is "the supreme Law of the Land", while in contrast powers not delegated to the federal government are reserved to the states or to the people; and that tension can exist only when states are not preempted and thus remain credible powers in the federal system; and

"WHEREAS, less federal preemption means states can act as laboratories of democracy, seeking novel social and economic policies without risk to the nation; and

"WHEREAS, the National Conference of State Legislatures has stated well the dynamic nature of federalism and the need for freedom of the states to act in areas reserved to them, noting that federalism anticipates diversity, that the unity of the states does not anticipate uniformity, and that every preemptive law diminishes other expressions of self-government and should be approved only where compelling need and broad consensus exist; and

"WHEREAS, S. 1629, the proposed Tenth Amendment Enforcement Act of 1996, is designed to create mechanisms for careful consideration of proposals that would preempt states in areas historically within their purview through procedural mechanisms in the legislative, executive, and judicial branches of government, namely:

"In the Legislative branch by requiring a statement of constitutional authority and an expression of the intent to preempt states,

"In the Executive branch, by curbing agencies that may preempt beyond their legislative authority, and

"In the Judicial branch, by codifying judicial deference to state laws where the congress is not clear in its intent to preempt: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to enact the proposed Tenth Amendment Enforcement Act of 1996, does further urge and request the Louisiana congressional delegation to co-sponsor the legislation, and does urge and request the Honorable Bill Clinton, President of the United States, to sign the legislation into law when it is presented to him for signature; and be it further

Resolved, That copies of this Resolution be transmitted to the Honorable Bill Clinton, President of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to each member of the Louisiana congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 1933. A bill to authorize a certificate of documentation for certain vessels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 1934. A bill to provide for an exchange of lands with the city of Greeley, CO, and the Water Supply & Storage Co. to eliminate private inholdings in wilderness areas, to cause instream flows to be created above a wild and scenic river, to eliminate potential development on private inholdings within the forest boundary, to reduce the need for future water reservoirs, to reduce the number of Federal land use authorizations, and to improve the security of the water of the city and the company, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY:

S. 1935. A bill to provide for improved information collection and dissemination by the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself and Mr. MURKOWSKI):

S. 1936. A bill to amend the Nuclear Waste Policy Act of 1982; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. PRESSLER, Mr. BURNS, Mr. GRASSLEY, Mr. DOMENICI, Mr. THOMAS, Mr. KEMPTHORNE, and Mr. BOND):

S. Res. 277. A resolution to express the sense of the Senate that, to ensure continuation of a competitive free-market system in the cattle and beef markets, the Secretary of Agriculture and Attorney General should use existing legal authorities to monitor commerce and practices in the cattle and beef markets for potential antitrust violations, the Secretary of Agriculture should increase reporting practices regarding domestic commerce in the beef and cattle markets (includ-

ing exports and imports), and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 1935. A bill to provide for improved information collection and dissemination by the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

THE PUBLIC TRUST AND ENVIRONMENTAL ACCOUNTABILITY ACT

Mr. BRADLEY. Mr. President, today I am introducing the Public Trust and Environmental Accountability Act to improve collection, retrieval, and dissemination of vital environmental data needed for community information and disaster response.

For the first time, under the Public Trust and Environmental Accountability Act, firefighters, plant neighbors, local governments, and the general public will have easy access to complete data on a plant's permit compliance and plant operation. Not only will the public be able to discover whether their local facility has had past environmental violations but they will also be able to research that company's compliance history throughout the United States using just one consolidated file, available by computer search.

For example, last year, when the Napp Technologies plant in Lodi, NJ, exploded, the community surrounding the plant had little knowledge of what went on within the plant gates. If the Public Trust and Environmental Accountability Act had been in effect, local citizens would have known: what chemicals were stored onsite; what permits were held by the plant; what violations had occurred; whether there had been any accidents or releases of chemicals; and, when the plant was last inspected.

Currently, data collected by the Environmental Protection Agency [EPA] is scattered and fragmented across the Agency or left in files at the State level. Instead of centralizing and coordinating all data by plant or location, much of EPA's information is kept in numerous duplicative files in the Agency's separate program offices where it is divided arbitrarily by the type of pollutant under regulation such as air, water, or solid waste. Thus using EPA data to build a complete compliance profile of a particular plant is both time consuming and unnecessarily difficult.

However, my bill streamlines this unwieldy system by directing EPA to enhance access, encourage public use, and improve management of public information that it has collected under the Agency's many environmental statutes, pollution prevention initiatives and environmental permitting requirements. Under the act, EPA would create standard formats for information